



Docket No.: M4350.0035/P035
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Steven C. Amendola et al.

Application No.: 09/902,899

Confirmation No.: 9648

Filed: July 11, 2001

Art Unit: 1764

For: DIFFERENTIAL PRESSURE-DRIVEN
BOROHYDRIDE BASED GENERATOR

Examiner: Basia A. Ridley

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction/Election Requirement set forth in the Office Action mailed October 4, 2004 (Paper No. 092704), Applicants elect Group I and species a-1 and b-2 for continued examination. Claims 1, 25-29, 31, 32, 46, 47 and 49 are readable on the elected species.

Applicants' election is made with traverse. Applicants note that MPEP § 803 provides that "[I]f the search and examination of an entire application can be made without *serious* burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). In the present application, the total number of claims is fifty, of which thirty seven claims are directed to the invention covered by Group I and only thirteen are directed to the

invention covered by Group II. Accordingly, the search and examination of all fifty claims (Group I and Group II) can be made without serious burden by the Examiner. Applicants respectfully request that the restriction and election requirements be withdrawn and that all pending claims 1, 3, 4, 8, 10, 12, 15-17 and 25-65¹ be examined together in this application.

An action on the merits of all the claims and a Notice of Allowance are respectfully requested.

Dated: December 3, 2004

Respectfully submitted,
By _____

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¹ Applicants acknowledge the November 2, 2004 telephone conversation between Examiner Basia Ridley and Applicants' representative. During the telephone conversation, Examiner Ridley and Applicants' representative agreed that claims 1, 3, 4, 8, 10, 12, 15-17 and 25-65 are pending in the present application, and not claims 1-65 as indicated in the October 4, 2004 Office Action.